

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Eunice Esparza,
Plaintiff,

v.

Lenscrafters, Inc., doing business as Sears Optical
and Luxottica,
Defendants.

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No.

RECEIVED: AUGUST 14, 2008

08CV4626

JUDGE ASPEN

MAGISTRATE JUDGE NOLAN

TC

Jury Demanded

COMPLAINT UNDER TITLE VII OF CIVIL RIGHTS ACT OF 1964 (EMPLOYMENT DISCRIMINATION)

Plaintiff complains of the Defendants as follows:

Count I -- Title VII (Discrimination based upon race, national origin, retaliation and gender)

1. Jurisdiction of this case is based upon Federal question, as Plaintiff claims redress for employment discrimination based upon race, national origin, age, disability, retaliation and gender under Title VII of the Civil Rights Act of 1964, Title 42 USC Section 2000e *et seq.*, the Americans with Disabilities Act and the Age Discrimination in Employment Act.

2. Venue is proper in this Court as the cause of action arose and all acts complained of herein transpired in the County of Cook, State of Illinois, within the geographic expanse of this Court.

3. At all times relevant to this Complaint, Plaintiff was employed by Defendant Lenscrafters, Inc., doing business as Sears Optical and Luxottica, in the capacity of a retail store manager, specifically an optical manager.

4. Plaintiff is a woman of Latin American race and national origin, and as such is Hispanic. Plaintiff was forty-one and forty-two (42) years of age at the time of the events set

forth in this Complaint.

5. While employed by Defendant, Plaintiff experienced sexual harassment on the job, including unwelcome and disturbing sexual advances from a male physician employed by Defendant who enjoyed a position of superior rank and dominion within the context of employment over Plaintiff.

6. Plaintiff complained to Defendant's personnel of the sexual harassment.

7. Subsequently, on about January 28, 2006, Defendant by its agents Richard Dobson ("Dobson"), Loss Prevention Manager, and Maria Brown ("Brown"), Regional Manager, questioned and interrogated Plaintiff regarding alleged misappropriation of Defendant's company funds. In the course of that interrogation, Dobson and Brown accused Plaintiff of being schizophrenic.

8. On about January 28, 2006, Defendant informed Plaintiff that she was terminated and discharged from her employment by Defendant.

9. Upon information and belief, Plaintiff was submitted to sexual harassment and hostile work environment based upon her gender. Similarly situated male employees were not sexually harassed on the job as Plaintiff experienced.

10. Upon information and belief, Plaintiff's discharge was based in part or in whole upon Defendant's retaliation for Plaintiff complaining of being sexually harassed by Defendant's physician.

11. Upon information and belief, Plaintiff's sexual harassment and discharge was based upon her female gender, as she would not have been treated in this fashion were she not female.

12. Upon information and belief, Plaintiff's discharge was based upon her Latin American and Hispanic race and national origin, as similarly situated non-Latin American employees were not treated in the same fashion.

13. Defendant's unlawful and discriminatory discharge of Plaintiff proximately caused damage to Plaintiff in loss of past and future earnings (back pay and front pay), loss of past and future benefits including medical insurance coverage, mental anguish, humiliation and emotional distress.

Wherefore, Plaintiff Eunice Esparza respectfully requests that she be awarded a sum in excess of \$100,000, representing lost wages, front and back pay, lost medical insurance coverage and benefits, and forgone opportunity costs, plus attorneys fees and court costs, to be taxed against and paid by Defendants Lenscrafters, Inc., doing business as Sears Optical and Luxottica.

Count II -- Age Discrimination in Employment Act

14 – 26. Plaintiff repeats the allegations of Count I as though fully set forth.

27. Upon information and belief, Plaintiff was discharged from her employment based in part or in whole upon her age, and thus violated the Age Discrimination in Employment Act.

28. Upon information and belief, similarly situated younger employees of Defendant were not so treated.

29. Defendant's unlawful and discriminatory discharge of Plaintiff proximately caused damage to Plaintiff in loss of past and future earnings (back pay and front pay), loss of past and future benefits including medical insurance coverage, mental anguish, humiliation and emotional distress.

Wherefore, Plaintiff Eunice Esparza respectfully requests that she be awarded a sum in excess of \$100,000, representing lost wages, front and back pay, lost medical insurance coverage and benefits, and forgone opportunity costs, plus attorneys fees and court costs, to be taxed against and paid by Defendants Lenscrafters, Inc., doing business as Sears Optical and Luxottica.

Count III -- Americans With Disabilities Act

30 – 42. Plaintiff repeats the allegations of Paragraphs 1 through 13 of Count I as though fully set forth.

43. Upon information and belief, Plaintiff was discharged from her employment based in part or in whole upon Defendant's perception that Plaintiff was afflicted with schizophrenia, and thus violated the Americans With Disabilities Act.

44. Upon information and belief, similarly situated employees of Defendant who were not believed to be so afflicted were not so treated.

45. Defendant's unlawful and discriminatory discharge of Plaintiff proximately caused damage to Plaintiff in loss of past and future earnings (back pay and front pay), loss of past and future benefits including medical insurance coverage, mental anguish, humiliation and emotional distress.

Wherefore, Plaintiff Eunice Esparza respectfully requests that she be awarded a sum in excess of \$100,000, representing lost wages, front and back pay, lost medical insurance coverage and benefits, and forgone opportunity costs, plus attorneys fees and court costs, to be taxed against and paid by Defendants Lenscrafters, Inc., doing business as Sears Optical and Luxottica.

Plaintiff demands trial by jury.

Respectfully submitted,

Eunice Esparza,

By: _____/S/_____

Michael J. Greco

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